REMARKS

Claims 1-224 are pending in the application. Claims 4-224 have been withdrawn from further consideration as being drawn to non-elected invention. Claims 1-3 have been examined on the merits. The amendments to the claims have been made to further clarify the language of the claimed invention. No new matter has been inserted into the application.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 3 has been rejected because the Examiner considers "MGFR" to be indefinite. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Claim 3 has been amended to incorporate "MUC1 Growth Factor Receptor". Accordingly, this rejection has been overcome.

Rejection Under 35 U.S.C. § 102(b) Over U.S. Patent No. 5,108,933 ('933 patent)

Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as being anticipated by '933 patent. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

At the outset, Applicant notes that the presently claimed invention is directed to a kit, which includes a first article having a surface; a peptide sequence immobilized on the surface, in which the peptide sequence includes a portion of a cell surface receptor that interacts with an activating ligand such as a growth factor to promote cell proliferation, wherein the portion includes enough of the cell surface receptor to interact with the activating ligand and a portion free of interchain binding region to the extent necessary to prevent spontaneous binding between

the portions; and a candidate drug for affecting the ability of the peptide sequence to bind to other identical peptide sequences in the presence of the activating ligand.

Liberti '933 discloses colloid particles that are converted into magnetic microagglomerates. Further, the Liberti '933 reference is cited for the disclosure of a receptor immobilized to a colloidal agglomerate and the binding of substances such as an antibody to the receptor. However, Liberti '933 fails to disclose or suggest a receptor that is missing an interchain binding region. In fact, Liberti '933 makes no mention of an interchain binding region.

The presently claimed invention fails to be anticipated by Liberti '933 because Liberti '933 fails to disclose or suggest incorporating a peptide sequence, which is a portion of a receptor, in which the full length of the receptor includes an interchain binding region, and wherein the peptide is free of the interchain binding region. Contrary to the Examiner's contention that the receptor described in the Liberti '933 reference inherently discloses a receptor that is devoid of an interchain binding region, Applicant notes that this is not necessarily so. It cannot be necessarily presumed that the receptor described in the Liberti '933 reference inherently lacks an interchain binding region. Receptors in general are not required to have interchain binding regions. Therefore, in the absence of a disclosure in Liberti '933 of a receptor with or without an interchain binding region, the Liberti '933 reference cannot be said to inherently disclose a receptor in which the interchain binding region has been removed. Furthermore, there is no disclosure or suggestion found in the Liberti '933 reference indicating that an antibody was made against a portion of the receptor in which the interchain binding region was absent. Accordingly, the presently claimed invention is patentable over Liberti '933.

Rejection Under 35 U.S.C. §103(a) Over Liberti '933 patent in view of Spicer (JBC Vol. 266, pages 15099-15109)

Claim 3 has been rejected as being "obvious" over the Liberti '933 patent in view of Spicer. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Liberti '933 is discussed above.

Spicer discloses molecular cloning of the gene encoding MUC1. Applicant submits that the presently claimed invention is not obvious over the combination of Liberti '933 and Spicer. The deficiencies of Liberti '933 have been discussed above. In particular, Liberti '933 fails to disclose or suggest a kit which includes a receptor in which the interchain binding region is removed. The Spicer reference discloses cloning of the gene encoding MUC1. However, since there fails to be any mention of the removal of an interchain binding region, Spicer fails to remedy the deficiencies in the Liberti '933 reference. Therefore, Liberti '933 and Spicer fail to be combinable with each other to arrive at the presently claimed invention. Accordingly, the presently claimed invention is not obvious over the cited references.

Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to JHK Law's Deposit Account No. **502486** during the pendency of prosecution of this application. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition thereof.

Respectfully submitted,

JHK Law

Dated: December 27, 2007

By: /Joseph Hyosuk Kim/
Joseph Hyosuk Kim, Ph.D.
Reg. No. 41,425

P.O. Box 1078
La Canada, CA 91012-1078
(818) 249-8177 - direct
(818) 249-8277 - fax

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: _____ 2 Serial/Patent # _____

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
✓	Extension of Time		12/27/07	$ 525.00
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 525.00

8 TO BE REFUNDED BY:

	Treasury Check
✓	Credit Deposit A/C #:

9 5 0 - - 2 4 8 6 Credit Card

10 REASON:

	Overpayment
	Duplicate Payment
✓	No Fee Due (Explanation):

Fee paid after maximum extendable time period.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Kimberly Inabinet TITLE: Petitions Examiner

SIGNATURE: Kimberly Inabinet PHONE: x24618

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CKK DATE: 2/11/08

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)